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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,562	12/13/2001	Robert C. Aitken	10004440-1	8599

7590 03/18/2005

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

DAY, HERNG DER

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,562	Applicant(s) AITKEN ET AL.	
	Examiner Herng-der Day	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-20 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined and claims 1-20 have been rejected.

Specification

2. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

- 2-1. It appears that “there may be an error tolerance adjustment”, as described in line 7 of paragraph [0037], should be “there may be an error tolerance adjustment”.

- 2-2. It appears that “a sufficient time interval (i.e., T_{hold})”, as described in line 9 of paragraph [0050], should be “a sufficient time interval 148 (i.e., T_{hold})”.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 4-1. Claim 2 recites the limitation “said synchronous short-delay sequence” in line 32 of the claim. There is insufficient antecedent basis for this limitation in the claim.

- 4-2. Claims not specifically rejected above are rejected as being dependent on a rejected claim.

Recommendations

5. For clarification purposes, the Examiner suggests the following replacements in the claims.

5-1. Claim 2 recites the limitation “said particular IC” in lines 21-22 of the claim. The Examiner suggests that “said particular IC” be replaced with “said particular IC design”.

5-2. Claim 6 recites the limitation “said IC” in line 3 of the claim. The Examiner suggests that “said IC” be replaced with “said IC design”.

5-3. Claim 12 recites the limitation “said first state time interval” in lines 17-18 of the claim. The Examiner suggests that “said first state time interval” be replaced with “said first state overlapping time interval”.

5-4. Claim 19 recites the limitation “said IC” in line 3 of the claim. The Examiner suggests that “said IC” be replaced with “said simulated IC”.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-20 are rejected under 35 U.S.C. 101 because the inventions as disclosed in claims are directed to non-statutory subject matter.

7-1. Claim 1 appears to be directed to the manipulation of abstract ideas of driving the simulation testing of a design and claims 2-20 appear to be directed to the manipulation of abstract ideas of generating a synchronous sequence of test vectors. In other words, the claimed

Art Unit: 2128

inventions are not tangibly embodied and not in the technological arts as they recite abstract idea without reciting a concrete, useful, and tangible result and could be practiced with pencil and paper. For example, all the steps of providing, inserting, and generating sequence as well as detecting and correlating overlapping time intervals as recited in claim 18 could be practiced with pencil and paper and, therefore, not in the technological arts. Furthermore, the test vector generator of claims 12-17 comprising various modules, which are software per se as suggested in line 3 of paragraph [0059] of the specification.

Allowable Subject Matter

8. Claims 1-20 are not taught by the prior art, and would be allowable if the above rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101 are overcome.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Reference to Potter et al., U.S. Patent 6,233,707 B1 issued May 15, 2001, is cited as disclosing a method of overlapping clocks using stretched clocks.

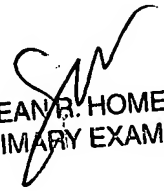
10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Art Unit: 2128

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day
March 17, 2005


JEAN R. HOMERE
PRIMARY EXAMINER